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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

01/14/2009

Reinhard Jackson
122 Nicholson's Point
RR3 Bath, ON K0H 1G0
CANADA

EXAMINER

VENNE, DANIEL V

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 01/14/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,095	05/31/2006	Reinhard Erwin Jackson	3953001USPCT	5372

TITLE OF INVENTION: PORTABLE CANOE PROPULSION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	04/14/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
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Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

01/14/2009

Reinhard Jackson
 122 Nicholson's Point
 RR3 Bath, ON K0H 1G0
 CANADA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$755	\$300	\$0	\$1055	04/14/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
VENNE, DANIEL V	3617	440-030000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 49 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 49 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/581,095

Applicant(s)

JACKSON, REINHARD ERWIN

Examiner

DANIEL V. VENNE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply from applicant on 12/11/2008.
2. ☒ The allowed claim(s) is/are 10, 11, 13 and 14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jackson and Supervisory Patent Examiner Joe Morano on 12/5/2008.

Claims 1-9, 12 and 15-22 are canceled.

Claims 10, 11, 13 and 14 have been rewritten in independent form as follows:

10. A portable, pedal driven propeller and drive shaft apparatus for use in a watercraft having gunwales, comprising:

(a) a substantially quadrilateral frame adapted to be simply placed across the gunwales of the watercraft without needing clamps, bolts or other devices to secure it in place;

(b) operator seat means mounted on said quadrilateral frame;

(c) pedal crank means mounted forwardly of, and depending from, said quadrilateral frame and operable by an operator sitting on said seat means;

(d) pulley means pivotally mounted on said quadrilateral frame so as to lie to one side of the operator seat means and forward thereof when in the operative position;

(e) means to transmit motive power generated by said pedal crank means to said pulley means, said means to transmit motive power comprising drive means, a transverse drive shaft and flexible cable-drive means, said drive means being operatively connected to said pedal crank means and to a first end of the transverse

drive shaft, and said flexible cable-drive means being operatively connected at a first end thereof to a second end of said transverse drive shaft, and, at a second end thereof, to said pulley means; and

(f) longitudinal drive shaft means comprising a longitudinal shaft operatively connected at a first end thereof to said pulley means and, at a second end thereof, to propeller means backward of the operator seat means toward the back end of the watercraft; said pulley means and longitudinal drive shaft means being adapted to be pivoted, when mounted on said watercraft, about a horizontal transverse axis so as to raise said propeller means to an inoperable position wherein said longitudinal drive shaft means is substantially parallel to said gunwales, and lower said propeller means to an operative position wherein said longitudinal drive shaft means is at an acute angle relative to said gunwales, wherein said pulley means and said longitudinal drive shaft means are mounted to and supported by a frame secured to and rotatable about a round tube portion of said quadrilateral frame, wherein said frame comprises a square tube having internal dimensions slightly greater than outer dimensions of said round tube portion, said square tube being slidable with said round tube portion, and detachably secured thereto by removable pins positioned immediately adjacent said frame on an outboard side thereof.

11. A portable, pedal driven propeller and drive shaft apparatus for use in a watercraft having gunwales, comprising:

(a) a substantially quadrilateral frame adapted to be simply placed across the gunwales of the watercraft without needing clamps, bolts or other devices to secure it in place;

(b) operator seat means mounted on said quadrilateral frame;

(c) pedal crank means mounted forwardly of, and depending from, said quadrilateral frame and operable by an operator sitting on said seat means;

(d) pulley means pivotally mounted on said quadrilateral frame so as to lie to one side of the operator seat means and forward thereof when in the operative position;

(e) means to transmit motive power generated by said pedal crank means to said pulley means, said means to transmit motive power comprising drive means, a transverse drive shaft and flexible cable-drive means, said drive means being operatively connected to said pedal crank means and to a first end of the transverse drive shaft, and said flexible cable-drive means being operatively connected at a first end thereof to a second end of said transverse drive shaft, and, at a second end thereof, to said pulley means; and

(f) longitudinal drive shaft means comprising a longitudinal shaft operatively connected at a first end thereof to said pulley means and, at a second end thereof, to propeller means backward of the operator seat means toward the back end of the watercraft; said pulley means and longitudinal drive shaft means being adapted to be pivoted, when mounted on said watercraft, about a horizontal transverse axis so as to raise said propeller means to an inoperable position wherein said longitudinal drive shaft means is substantially parallel to said gunwales, and lower said propeller means to an operative position wherein said longitudinal drive shaft means is at an acute angle relative to said gunwales, wherein said pulley means is mounted on said quadrilateral frame so as to lie outboard of one of said gunwales when in the operative position.

13. A portable, pedal driven propeller and drive shaft apparatus for use in a watercraft having gunwales, comprising:

(a) a substantially quadrilateral frame adapted to be simply placed across the gunwales of the watercraft without needing clamps, bolts or other devices to secure it in place;

(b) operator seat means mounted on said quadrilateral frame;

(c) pedal crank means mounted forwardly of, and depending from, said quadrilateral frame and operable by an operator sitting on said seat means;

(d) pulley means pivotally mounted on said quadrilateral frame so as to lie to one side of the operator seat means and forward thereof when in the operative position;

(e) means to transmit motive power generated by said pedal crank means to said pulley means, said means to transmit motive power comprising drive means, a transverse drive shaft and flexible cable-drive means, said drive means being operatively connected to said pedal crank means and to a first end of the transverse drive shaft, and said flexible cable-drive means being operatively connected at a first end thereof to a second end of said transverse drive shaft, and, at a second end thereof, to said pulley means; and

(f) longitudinal drive shaft means comprising a longitudinal shaft operatively connected at a first end thereof to said pulley means and, at a second end thereof, to propeller means backward of the operator seat means toward the back end of the watercraft; said pulley means and longitudinal drive shaft means being adapted to be pivoted, when mounted on said watercraft, about a horizontal transverse axis so as to raise said propeller means to an inoperable position wherein said longitudinal drive

shaft means is substantially parallel to said gunwales, and lower said propeller means to an operative position wherein said longitudinal drive shaft means is at an acute angle relative to said gunwales, wherein said transverse drive shaft is rotatably mounted in transverse tube means mounted on said quadrilateral frame, wherein said transverse tube means comprises a spring-loaded pin mounted thereon and in alignment with a corresponding hole formed therein, the pin being of sufficient dimensions to engage with a locking recess formed in an input end housing of the flexible cable-drive means and limiting translational and rotational movement thereof upon rotation of said transverse drive shaft.

14. A portable, pedal driven propeller and drive shaft apparatus for use in a watercraft having gunwales, comprising:

- (a) a substantially quadrilateral frame adapted to be simply placed across the gunwales of the watercraft without needing clamps, bolts or other devices to secure it in place;*
- (b) operator seat means mounted on said quadrilateral frame;*
- (c) pedal crank means mounted forwardly of, and depending from, said quadrilateral frame and operable by an operator sitting on said seat means;*
- (d) pulley means pivotally mounted on said quadrilateral frame so as to lie to one side of the operator seat means and forward thereof when in the operative position;*
- (e) means to transmit motive power generated by said pedal crank means to said pulley means, said means to transmit motive power comprising drive means, a transverse drive shaft and flexible cable-drive means, said drive means being operatively connected to said pedal crank means and to a first end of the transverse*

drive shaft, and said flexible cable-drive means being operatively connected at a first end thereof to a second end of said transverse drive shaft, and, at a second end thereof, to said pulley means; and

(f) longitudinal drive shaft means comprising a longitudinal shaft operatively connected at a first end thereof to said pulley means and, at a second end thereof, to propeller means backward of the operator seat means toward the back end of the watercraft; said pulley means and longitudinal drive shaft means being adapted to be pivoted, when mounted on said watercraft, about a horizontal transverse axis so as to raise said propeller means to an inoperable position wherein said longitudinal drive shaft means is substantially parallel to said gunwales, and lower said propeller means to an operative position wherein said longitudinal drive shaft means is at an acute angle relative to said gunwales, wherein said pulley means comprises a first pulley operably connected to the second end of said flexible cable-drive means, a second pulley operably connected to the first end of said longitudinal shaft, and an endless drive belt for transmission of power from said first pulley to said second pulley.

2. A reply was received from applicant on 12/11/2008.
3. Claims 10, 11, 13 and 14 as amended above by the examiner are allowed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:00AM - 3:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or CANADA) or 571-272-1000.

DVV

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617